

REMARKS

Claims 1-18 were pending in the application. Claims 5 and 18 have been cancelled. Claims 1, 6, 7, and 17 have been amended. Claims 1-4 and 6-17 accordingly remain pending in the application.

OATH / DECLARATION

Enclosed herein is evidence a Declaration was executed by the inventors in the corresponding international application.

35 U.S.C. § 101 Rejections

Claims 6 and 17 stand rejected under 35 U.S.C. 101 as being directed to non-statutory matter. Each of claims 6 and 17 have been amended and are believed in compliance with 35 U.S.C. § 101.

35 U.S.C. § 102 Rejections

Claims 1-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,791 (hereinafter “Farber”). Applicant respectfully traverses the rejections and requests reconsideration in view of the following comments.

For example, claim 1 includes the features of prior claim 5 which are neither disclosed nor suggested by the cited art. In particular, claim 1 recites a method that includes calculating a reference value for a new file on a local computing device using a one-way-function, transmitting the calculated reference value to a central infrastructure, comparing the calculated reference value with reference values previously stored within the remaining part of the network environment, after comparing, deciding that the content

of the new file is already identified if a match between said calculated reference value and a previously stored reference value is found and retrieving the corresponding content attributes; or deciding that the content of the new file is not yet identified if no match between said calculated reference value and any of the previously stored reference values is found, followed by sharing the new file on the local computing device to said central infrastructure and said central infrastructure identifying the content of said new file by remotely identifying the content over the network environment, determining content attributes corresponding with the content of the new file and storing a copy of said content attributes, after deciding, triggering an action on said local computing device in accordance with said content attributes; wherein said triggering an action on said local computing device in accordance with said content attributes comprises replacement of the new file on the local computing device with another version of said new file restored from the remaining part of the network environment.

In the present Office Action it is suggested the above highlighted features are disclosed by Farber at col. 25, lines 26-45. However, Applicant submits at least the above features are neither disclosed nor suggested by Farber. Rather, the cited disclosure of Farber describes sending a file from a remote processor to a local processor and is not directed to the above features. In particular, the cited disclosure of Farber describes:

“6. Acquire True File

This mechanism allows a remote processor to insist that a local processor make a copy of a specified True File. It is used, for example, when a cache client wants to write through a new version of a file. The Acquire True File mechanism begins with a data item and an optional True Name for the data item and proceeds as follows:

- (A) Confirm that the requesting processor has the right to require the local processor to acquire data items. If not, send a negative reply.
- (B) Make a local copy of the data item transmitted by the remote processor.
- (C) Assimilate the data item into the True File registry of the local processor.
- (D) If a True Name was provided with the file, the True Name calculation can

be avoided, or the mechanism can verify that the file received matches the True Name sent.

(E) Add an entry in the dependent processor list of the true file registry record indicating that the requesting processor depends on this copy of the given True File.

(F) Send a positive reply.”

In contrast to the claimed features, the above disclosure does not describe a local computing device calculating a reference for a new file, deciding it is not yet identified, and having an action triggered thereon “in accordance with said content attributes comprises replacement of the new file on the local computing device with another version of said new file restored from the remaining part of the network environment.” In Farber there is no determining and replacement as recited. It is further noted that Farber does not suggest such features as Farber is directed to single-instance-type storage mechanism. In Farber, a different unique identifier suggests a different file and in no way suggests replacing such a file with a different file (which would have a different, non-matching, identifier). Accordingly, the recited features are neither disclosed nor suggested by Farber and claim 1 is patentably distinguishable for at least these reasons. As claim 7 includes similar features, claim 7 is patentably distinguishable for at least reasons similar to those discussed above.

In addition to the above, claim 9 recites features neither disclosed nor suggested by the cited art. For example, claim 9 includes the features

“-identifying the content of said file and determining content attributes
corresponding with the content of the file and storing a copy of said content
attributes
-sending the content attributes to every local computing device containing the
file.”

The present Office Action rejects claim 9 and states Farber discloses “determining content attributes corresponding with the content of the file and storing a copy of said

content attributes sending the content attributes to every local computing device containing the file after sending (col. 23 line 53 through col. 24 line 29, col. 25 line 25-45)". For ease of review, the cited disclosures are reproduced below:

"1. Locate True File

First determine if the True File is available locally or if there is some indication of where the True File is located (for example, in the Source IDs field). Look up the requested True Name in the True File registry 126 (Step S432). If a True File registry entry record 140 is not found for this True Name (Step S434), and the flag indicates that the request is not to be forwarded (Step S436), respond negatively (Step S438). That is, respond to the effect that the True File is not available. On the other hand, if a True File registry entry record 140 is not found (Step S434), and the flag indicates that the request for this True File is to be forwarded (Step S436), then forward a request for this True File to some other processors in the system (Step S442). If the source table for the current processor identifies one or more publishing servers which should have a copy of this True File, then forward the request to each of those publishing servers (Step S436). If a True File registry entry record 140 is found for the required True File (Step S434), and if the entry includes a True File ID or Compressed File ID (Step S440), respond positively (Step S444). If the entry includes a True File ID then this provides the identity or disk location of the actual physical representation of the file or file segment required. If the entry include a Compressed File ID, then a compressed version of the True File may be stored instead of, or in addition to, an uncompressed version. This field provides the identity of the actual representation of the compressed version of the file. If the True File registry entry record 140 is found (Step S434) but does not include a True File ID (the File ID is absent if the actual file is not currently present at the current location) (Step S440), and if the True File registry entry record 140 includes one or more source processors, and if the request can be forwarded, then forward the request for this True File to one or more of the source processors (Step S444)." (Farber, col. 23, line 59 – col. 24, line 29).

"6. Acquire True File

This mechanism allows a remote processor to insist that a local processor make a copy of a specified True File. It is used, for example, when a cache client wants to write through a new version of a file. The Acquire True File mechanism begins with a data item and an optional True Name for the data item and proceeds as follows:

- (A) Confirm that the requesting processor has the right to require the local processor to acquire data items. If not, send a negative reply.
- (B) Make a local copy of the data item transmitted by the remote processor.
- (C) Assimilate the data item into the True File registry of the local processor.

- (D) If a True Name was provided with the file, the True Name calculation can be avoided, or the mechanism can verify that the file received matches the True Name sent.
- (E) Add an entry in the dependent processor list of the true file registry record indicating that the requesting processor depends on this copy of the given True File.
- (F) Send a positive reply.” (Farber, col. 25, lines 25-45).

The first disclosure of Farber above concerns the location of a particular file. If the particular file is not available locally (and there is an registry entry), then a request for the file may be forwarded to another processor as indicated by the registry entry record. However, this disclosure does not disclose or suggest the features “sending the content attributes to every local computing device containing the file.”

The second disclosure of Farber above concerns one processor (a remote processor) instructing another processor (a local processor) to make a copy of a particular file. As described, the remote processor sends a file to a local processor and instructs the local processor to make a copy of the file. If the remote processor has such authority, then the local processor makes a local copy. Else, the local processor responds in the negative. Then an entry may be added to a list (the dependent processor list), and a positive reply sent. However, again, this disclosure does not disclose or suggest the features “sending the content attributes to every local computing device containing the file.” For at least the above reasons, claim 9 is patentably distinguishable from the cited art.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner’s convenience.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6142-00504/RDR.

Respectfully submitted,

/ Rory D. Rankin /

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